

REMARKS

Examination of the instant patent application in view of the above amendments is respectfully requested. Claims 1-9, 17-26, 29-47, 61, 62 and 64-70 remain pending. Claims 1-9, 17-27, 29-47, 61, 62 and 64-70 are rejected. Claim 27 is cancelled herein without prejudice. Claims 1, 7, 17, 21, 37 and 61 are amended herein. No new matter has been added.

35 U.S.C. §103(a) – Claims 1-7

Claims 1-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent 6,464,503 by Heit et al., hereinafter referred to as the “Heit” reference, in view of United States Patent 5,511,980 by Wood, hereinafter referred to as the “Wood” reference, further in view of United States Patent 6,190,175 by Pridgen, hereinafter referred to as the “Pridgen” reference. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-7 are patentable over the combination of Heit in view of Wood, further in view of Pridgen for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

An interactive educational toy apparatus comprising:
an indicium containing structure including an indicium, a back structure, and a first attachment element, the indicium containing structure shaped for placement in a single orientation; and
a base unit capable of being attached to a vertical surface, wherein the base unit includes:
a housing,
a receiving region comprising a window and adapted to

receive the indicium containing structure, wherein the window is adapted to receive the indicium containing structure in the single orientation,

a processor unit in the housing,
a speaker coupled to the processor unit,
a reader coupled to the processor unit, and
a second attachment element coupled to the housing,

wherein the indicium containing structure is capable of being attached to the base unit using the first attachment element and the base unit is capable of being attached to the vertical surface using the second attachment element and wherein the reader is capable of identifying the indicium containing structure based on the back structure in response to the receiving region having received the indicium containing structure.

Claims 2-7 that depend from independent Claim 1 also recite these limitations.

Heit and the claimed invention are very different. Applicants understand Heit to teach a method and apparatus for interacting with a computer using blocks that are placed on a working platform (col. 2, lines 15-17). Heit does not teach, describe or suggest that the blocks are “shaped for placement in a single orientation” as claimed. Moreover, Heit does not teach, describe or suggest that the working platform includes a window “wherein the window is adapted to receive the indicium containing structure in the single orientation” as claimed.

With reference to Figure 2, Applicants understand Heit to teach blocks 20 that can be placed on working platform 28 in a number of different orientations. In particular, Heit recites that “the transmission system will transmit a particular character identification depending on the orientation of the block 20 on the working platform, i.e., depending on which character was showing on the top surface of the block” (emphasis

added; col. 5, lines 55-60). Applicants respectfully submit that Heit discloses blocks that can be placed in multiple orientations.

Therefore, Applicants respectfully submit that Heit does not teach, describe or suggest “indicium containing structure shaped for placement in a single orientation” and “a receiving region comprising a window and adapted to receive the indicium containing structure, wherein the window is adapted to receive the indicium containing structure in the single orientation” as claimed (emphasis added).

Moreover, the combination of Heit and Wood fails to teach or suggest the claimed invention, because Wood does not overcome the shortcomings of Heit. Wood, alone or in combination with Heit, does not show or suggest the claim embodiments. Wood and the claimed invention are also very different. Applicants understand Wood to teach a talking phonics interactive learning device in which the device is not able to identify indicia bearing units using a reader. Wood teaches a talking book that receives and identifies one of a number of cards having cutouts for receiving indicia bearing units placed in the talking book. In particular, Wood does not teach, describe or suggest “a receiving region comprising a window and adapted to receive the indicium containing structure, wherein the window is adapted to receive the indicium containing structure in the single orientation” as claimed (emphasis added).

Furthermore, the combination of Heit in view of Wood, further in view of Pridgen fails to teach or suggest the claimed invention, because Pridgen does not overcome the shortcomings of Heit and Wood. Pridgen, alone or in combination with Heit and Wood,

does not show or suggest the claim embodiments. Applicants understand Pridgen to teach a vocabulary teaching device. The vocabulary teaching device of Pridgen allows a user to record the name of an object and to play back the recording by using a switch of teaching device. In particular, Pridgen does not teach, describe or suggest “indicium containing structure shaped for placement in a single orientation” and “a receiving region comprising a window and adapted to receive the indicium containing structure, wherein the window is adapted to receive the indicium containing structure in the single orientation” as claimed (emphasis added).

Therefore, in view of the claim embodiments not being shown or suggested in Heit, Wood or Pridgen, or any combination thereof, in combination with the above arguments, Applicants respectfully submit that independent Claim 1 overcomes the rejection under 35 U.S.C. § 103(a) and are therefore allowable over the combination of Heit in view of Wood, further in view of Pridgen. Applicants respectfully submit that the combination of Heit in view of Wood, further in view of Pridgen also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-7 that depend from independent Claim 1. Therefore, Applicants respectfully submit that Claims 2-7 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

35 U.S.C. §103(a) – Claims 1-9, 17-26, 29-47, 61, 62 and 64-70

Claims 1-9, 17-27, 29-47, 61, 62 and 64-70 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Heit in view of Wood, further in view of Pridgen, yet further in view of United States Patent 4,968,255 by Lee et al., hereinafter referred to as

the "Lee" reference. Claim 27 is cancelled herein; therefore a discussion of the rejection of Claim 27 is moot at this time. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 1-9, 17-26, 29-47, 61, 62 and 64-70 are patentable over the combination of Heit in view of Wood, further in view of Pridgen, yet further in view of Lee, for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

An interactive educational toy apparatus comprising:
an indicium containing structure including an indicium, a back structure, and a first attachment element, the indicium containing structure shaped for placement in a single orientation; and
a base unit capable of being attached to a vertical surface, wherein the base unit includes:
a housing,
a receiving region comprising a window and adapted to receive the indicium containing structure, wherein the window is adapted to receive the indicium containing structure in the single orientation,
a processor unit in the housing,
a speaker coupled to the processor unit,
a reader coupled to the processor unit, and
a second attachment element coupled to the housing,
wherein the indicium containing structure is capable of being attached to the base unit using the first attachment element and the base unit is capable of being attached to the vertical surface using the second attachment element and wherein the reader is capable of identifying the indicium containing structure based on the back structure in response to the receiving region having received the indicium containing structure.

Independent Claims 17, 21, 37 and 61 recite similar limitations. Claims 2-9 that depend from independent Claim 1, Claims 18-20 that depend from independent Claim 17, Claims 22-26 and 29-36 that depend from independent Claim 21, Claims 38-47 that

depend from independent Claim 37, and Claims 62 and 64-70 that depend from independent Claim 61 also recite these limitations.

As described above in the remarks accompanying the discussion of the rejection of Claims 1-7, Applicants respectfully submit that the combination of Heit in view of Wood, further in view of Pridgen does not describe, teach or suggest the invention as claimed.

Furthermore, the combination of Heit in view of Wood, further in view of Pridgen, yet further in view of Lee fails to teach or suggest the claimed invention, because Lee does not overcome the shortcomings of Heit in view of Wood, further in view of Pridgen. Lee, alone or in combination with Heit in view of Wood, further in view of Pridgen, does not show or suggest the claim embodiments. Applicants understand Lee to teach an electronic instructional apparatus that uses input surfaces of an answer block to provide responses to questions. The answer blocks of Lee include input surfaces identifying the identifiable visual indicia included on the display face.

With reference to Figures 1 and 2, Applicants understand Lee to teach answer blocks 30 that can be placed within input cavities 18, 19, 20 and 21. Applicants respectfully submit that the answer blocks can be placed in a number of different orientations. For instance, the answer blocks can be placed with different surfaces exposed. As shown in Figure 2, answer block 30 has six display faces with different indicia thereon. Furthermore, each exposed surface can be placed in different

orientations. Lee specifically recites that “[s]ince all of the input surfaces corresponding to a given display face are identical, it can be readily seen that the orientation of the indicia of the exposed display face with respect to the horizontal and vertical directions is immaterial to the operation of the apparatus according to the present invention” (col. 8, lines 58-63).

Therefore, Applicants respectfully submit that Lee does not teach, describe or suggest “indiciu[m] containing structure shaped for placement in a single orientation” and “a receiving region comprising a window and adapted to receive the indicium containing structure, wherein the window is adapted to receive the indicium containing structure in the single orientation” as claimed (emphasis added). Moreover, by teaching that the answer blocks can be oriented to show different display faces, and each display face can be oriented in different directions, Applicants respectfully submit that Lee teaches away from the claimed embodiments.

Therefore, in view of the claim embodiments not being shown or suggested in either Heit, Wood, Pridgen or Lee, or any combination thereof, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 17, 21, 37 and 61 overcome the rejection under 35 U.S.C. § 103(a) and are therefore allowable over the combination of Heit in view of Wood, further in view of Pridgen, yet further in view of Lee. Applicants respectfully submit that the combination of Heit in view of Wood, further in view of Pridgen, yet further in view of Lee also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-9 that depend from independent Claim 1, Claims 18-20 that depend from independent

Claim 17, Claims 22-26 and 29-36 that depend from independent Claim 21, Claims 38-47 that depend from independent Claim 37, and Claims 62 and 64-70 that depend from independent Claim 61. Therefore, Applicants respectfully submit that Claims 2-9, 18-20, 22-26, 29-36, 38-47, 62 and 64-70 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

Based on the amendments presented above, Applicants respectfully assert that 1-9, 17-26, 29-47, 61, 62 and 64-70 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application. Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,
WAGNER, MURABITO & HAO LLP

Date: 20 Dec, 2006



Matthew J. Blecher
Registration No. 46,558

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, CA 95113
(408) 938-9060